

# County of Macomb Ombudsperson Functions & Powers

(as adopted by the Board of Commissioners on March 18, 2004)

## **Ombudsperson**

The Ombudsperson shall be appointed by a two-thirds (2/3) majority of County Board members serving.

## **Term of Office**

The first Ombudsperson selected shall serve a term which expires on July 1, 2007. Subsequent Ombudspersons shall serve for a four (4) year term expiring on July 1<sup>st</sup> of the fourth year.

The Ombudsperson may be removed for cause by a majority of County Board members serving.

The Ombudsperson shall be eligible for re-appointment.

## **Vacancy**

If a vacancy occurs in the office of Ombudsperson, the Board of Commissioners shall, within one hundred twenty (120) days, fill the office for a full term.

## **Salary**

The salary of the Ombudsperson shall be Pay Grade 31A.

## **Definition**

“Official Act” means any action, omission, decision, recommendation, practice or procedure of any County department.

### **Jurisdiction**

The Ombudsperson may investigate any official act of any department which aggrieves any person. For the first twelve (12) months of operation, the Office of the Ombudsperson shall prioritize their activities to issues growing out of the hiring or promotion process. The Ombudsperson shall report to the Board of Commissioners near the end of this twelve (12) month period and the Board of Commissioners shall determine whether jurisdiction of the Ombudsperson should be expanded.

The Ombudsperson shall not investigate the action of any Elected Official.

The Ombudsperson shall not accept for processing, any dispute which is the subject of an existing grievance pursuant to a Collective Bargaining Agreement or Section 2.15 of the Personnel Manual. In the event a matter brought to the Ombudsperson for processing subsequently becomes the subject of a grievance or a complaint, the Ombudsperson shall cease processing this matter. The Ombudsperson may consider the matter for review after any grievance or complaint procedure has been exhausted.

The authority of the Ombudsperson extends equally to all departments.

Any aggrieved person, who is a Macomb County resident, must first contact their County Commissioner and allow an opportunity to resolve the issue.

The Ombudsperson may establish procedures for receiving and processing complaints, conducting investigations and hearings, and reporting findings. No fee shall be levied for the filing or investigation of complaints.

### **Powers of Investigation**

The Ombudsperson may request and shall be given necessary assistance and information by each department. The Ombudsperson may request documents material to the investigation, enter and inspect premises within the control of any department during regular business hours, and establish rules of procedure. Requests for information which are not complied with shall be forwarded to the Office of Corporation Counsel for processing in the same manner as a request under the Michigan Freedom of Information Act.

### **Consultation Required**

No report or recommendation that criticizes an official act shall be announced until every department or person affected is allowed a reasonable opportunity to be heard.

After the hearing, if the Ombudsperson believes it necessary to make a formal report, a copy of any statement made by a department or person affected shall accompany the report.

### **Reports**

The Ombudsperson shall make periodic reports to the Board of Commissioners of action taken under this chapter. All reports shall be referred to the Marketing and Media Relations Coordinator and be made public, to the extent provided by law.

### **Duty to Report Illegal Acts**

If the Ombudsperson has probable cause to believe that any elected official, appointee, employee or member of an agency or any person doing or seeking to do business with a department has committed or is committing any illegal act, the Ombudsperson shall promptly refer the matter to the appropriate authorities.

### **Limitations**

The Ombudsperson shall not, within the two (2) calendar years prior to applying for the position, have held any elective office, including precinct delegate.

The Ombudsperson may not hold any office of trust or profit other than the office of Ombudsperson, or engage in any occupation for profit outside the duties of this office. The Ombudsperson is not eligible to hold any county elective office until two (2) years after leaving the position.

### **Remedies Cumulative**

The remedies available pursuant to these functions and powers are additional to those provided under any other law.

